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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 David Wayne Redkey,

10 Plaintiff,

11 v.

12 Phoenix Union High School District,

13 Defendant.
14

No. CV-23-00847-PHX-DJH

ORDER

15 Plaintiff David Wayne Redkey (“Plaintiff”) has filed a Motion to Remand to the
16 Maricopa County Superior Court (Doc. 7).¹ Therein, Plaintiff argues his “state law claims”
17 are “significantly connected to the state’s interests.” (*Id.* at 1). He further contends “it is
18 in the interest of justice and judicial efficiency that this case be tried in the court that is best
19 equipped to handle the entirety of the case, including its significant state law components.”
20 (*Id.*) The Court is unconvinced.

21 First, Plaintiff does not allege any state law claims; Plaintiff alleges an employment
22 discrimination and retaliation claim under the Americans with Disabilities Act (“ADA”),
23 28 U.S.C. § 1331. (Doc. 1-3 at 5–6). Second, this Court has original jurisdiction of all
24 civil actions arising under the laws of the United States, which includes claims under the
25 ADA. The law is clear that when a “claim is within the district court’s original jurisdiction,
26 then it has no authority to remand, while it has discretion to remand if the claim falls within
27 its supplemental jurisdiction.” *Destfino v. Reiswig*, 630 F.3d 952, 958 (9th Cir. 2011).


28 ¹ The matter is briefed. Defendant Phoenix Union High School District (“Defendant”) filed a Response (Doc. 10), and Plaintiff filed a Reply (Doc. 11).

1 Plaintiff only alleges federal claims in his Complaint and thus this Court has no authority
2 to remand. The Motion to Remand will be denied.

3 Accordingly,

4 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Remand (Doc. 7) is **denied**.

5 Dated this 31st day of May, 2023.

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9 Honorable Diane J. Humetewa
United States District Judge
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